

# Arnold & Porter

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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/19/20
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November 18, 2020

## VIA ELECTRONIC CASE FILING

Honorable Colleen McMahon  
United States District Court for the Southern  
District of New York  
Daniel Patrick Moynihan United States  
Courthouse  
500 Pearl Street  
New York, NY 10007-131

Re: *The Center for Medical Progress, et al. v. Planned Parenthood Federation  
of America*, 1:20-cv-07670 (CM) (JLC)

Dear Chief Judge McMahon:

Our firm has been retained to represent Defendant Planned Parenthood Federation of America ("PPFA") in this defamation action brought by Plaintiffs The Center for American Progress and David Daleiden. Plaintiffs effected service of process on our client on November 10, 2020. We are aware of the Court's Order Scheduling an Initial Pretrial Conference ("Order") for December 18, 2020. Dkt. 9. We are writing to request an adjournment of the Initial Pretrial Conference for approximately 30 days, to mid-January 2021. The reason for our request is that PPFA intends to file a motion to dismiss and we believe the Initial Pretrial Conference will be more productive if the motion is fully briefed before counsel for the parties appear before the Court. We have discussed this matter with counsel for Plaintiffs and they have consented to this request.

Plaintiffs' Complaint alleges defamation based on one Tweet and one quote in a news article concerning other legal proceedings involving the Plaintiffs. These legal proceedings include: (1) a criminal prosecution against Mr. Daleiden pending in Superior Court of San Francisco for allegedly violating Penal Code 632 (recording someone's conversation without their consent) and 182(a)(1) (conspiracy); and (2) a civil action in the U.S. District Court for the Northern District of California brought by PPFA and

11/19/2020  
We will reschedule  
the conference for  
approximately 30 days  
after the motion to  
dismiss is  
fully  
briefed



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others against the Plaintiffs here, where Plaintiffs and three other defendants to that action were found liable for more than \$2 million in damages for using false pretenses to gain access to private meetings and making illegal recordings of PPFA affiliates. The gist of Defendants' planned motion is that the challenged statements are protected free speech and thus cannot form the basis of a defamation case.

To the extent the Court is agreeable to moving the conference date, PPFA would also request that the Court extend its deadline for submitting a Case Management Plan to one week prior to the new conference date.

Counsel for PPFA and Plaintiffs have conferred regarding the Civil Case Management Plan. Plaintiffs do not object to moving the conference to January 2021, or to extending the deadline for submitting the Case Management Plan. PPFA intends to file its motion expeditiously.

We appreciate the Court's consideration of our request.

Respectfully submitted,

/s/ Diana Sterk

Diana Sterk

*Attorney for Planned Parenthood  
Federation of America, Inc.*

cc: Plaintiffs' Counsel